

PEARSON, J.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

|   |   |   |
|---|---|---|
| JP MORGAN CHASE BANK, N.A.,             | ) |   |
|   | ) | CASE NO. 1:07CV0683   |
| Plaintiff,                              | ) |   |
|   | ) | JUDGE BENITA Y. PEARSON   |
| v.                                      | ) |   |
|   | ) |   |
| PATRICIA A. CHIAPPETTA, <i>et al.</i> , | ) | <b><u>MEMORANDUM OF OPINION</u></b>                               |
|   | ) | <b><u>AND ORDER</u></b>   |
| Defendants.                             | ) | [Resolving ECF Nos. <a href="#">265</a> and <a href="#">266</a> ] |

Plaintiff JP Morgan Chase Bank, N.A.<sup>1</sup> filed this mortgage foreclosure action based on diversity jurisdiction against Patricia A. Chiappetta and John D. Chiappetta.

On January 20, 2011, the above-entitled action was reassigned from Judge Patricia A. Gaughan to the undersigned pursuant to [General Order 2011-4](#).

On January 26, 2011, the case was referred by the undersigned to Magistrate Judge Nancy A. Vecchiarelli for general pretrial supervision pursuant to [28 U.S.C. § 636](#) and [Local Rules 72.1 and 72.2\(a\)](#), which authorized her to file with the Court a report containing proposed findings and a recommendation for disposition of case-dispositive motions. *See* Order of Reference ([ECF No. 175](#)).

After the following motions were filed and served—

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<sup>1</sup> On December 2, 2009, JP Morgan was substituted for Washington Mutual Bank, as successor-in-interest to Long Beach Mortgage Company. *See* Order ([ECF No. 114](#)). On November 17, 2011, the case caption was changed to reflect that JP Morgan is the plaintiff. *See* Order ([ECF No. 254](#)).

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Plaintiff's Motion for Summary Judgment for a Finding of Default on the Note and a Decree in Foreclosure of the Mortgage ([ECF No. 265](#)) and

Defendants Patricia and John Chiappetta's Motion for Summary Judgment ([ECF No. 266](#)),

the Magistrate Judge submitted a Report and Recommendation ([ECF No. 274](#)) recommending "that the Court deny Defendants' motion for summary judgment, grant JP Morgan's motion for summary judgment, and direct JP Morgan to proceed with foreclosure." [Id. at PageID #: 2676](#).

[Fed. R. Civ. P. 72\(b\)\(2\)](#) provides that objections to a report and recommendation must be filed within fourteen (14) days after service. Objections to the Magistrate Judge's Report were, therefore, due on February 21, 2013.<sup>2</sup> On February 18, 2013, Defendants Patricia and John Chiappetta filed a Notice of Settlement ([ECF No. 275](#)), which states that Plaintiff and Defendants Patricia and John Chiappetta have reached a settlement. Furthermore, Plaintiff has not filed any objections, evidencing satisfaction with the Magistrate Judge's recommendations. Any further review by the Court would be a duplicative and inefficient use of the Court's limited resources. [Thomas v. Arn](#), 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); [Howard v. Secretary of Health and Human Services](#), 932 F.2d 505 (6th Cir. 1991); [United States v. Walters](#), 638 F.2d 947, 949-50 (6th Cir. 1981).

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<sup>2</sup> Under [Fed. R. Civ. P. 6\(d\)](#), three days must be added to the fourteen-day time period because the parties were served the Magistrate Judge's Report by operation of the Court's electronic filing system. See Electronic Filing Policies and Procedures Manual (July 26, 2011) at 6.

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Accordingly, the Report and Recommendation ([ECF No. 274](#)) is hereby adopted.

Plaintiff's Motion for Summary Judgment for a Finding of Default on the Note and a Decree in Foreclosure of the Mortgage ([ECF No. 265](#)) is granted.

Defendants Patricia and John Chiappetta's Motion for Summary Judgment ([ECF No. 266](#)) is denied.

IT IS SO ORDERED.

March 4, 2013  
Date

/s/ Benita Y. Pearson  
Benita Y. Pearson  
United States District Judge